

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-092710

06/20/2012

HONORABLE JAMES P. BEENE

CLERK OF THE COURT
L. Mitchell
Deputy

IN RE THE MARRIAGE OF
SEAN A BRENNAN

SEAN A BRENNAN
922 E CHELSEA DR
QUEEN CREEK AZ 85140

AND

SAMANTHA R BRENNAN

TROY L BROWN

ORDER

On January 3, 2012, Petitioner/Father filed a motion entitled "Emergency Request." In his motion, Father was seeking to stop Respondent/Mother from taking their minor children out of state and have Mother provide property pursuant to the parties' decree. On May 1, 2012, the Court held a hearing on Father's motion. Father and Mother testified at the hearing. Based on the testimony presented at the hearing, the Court issues the following order.

FATHER'S LONG-DISTANCE PARENTING TIME

On February 16, 2012, the Court denied Father's emergency request to prevent Mother's relocation with the minor children. Mother and the parties' children currently reside in Wyoming. As part of the Court's May 3, 2010 order awarding the parties joint legal custody of the children, Mother shall be the primary residential parent. Father's parenting time with the minor children shall be as follows:

Summer Break. Father shall have care of the minor children for the first-half of children's summer break. The parties shall calculate the number of days in the children's summer break and equally divide them between Father and Mother. Father shall receive the minor children no later than 12:00 p.m. on day after school ends for Summer Break and Mother

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shall received the minor children no later than 12:00 p.m. at the mid-point day of the children's Summer Break.

Spring Break. Father shall have care of the minor children during their Spring Break in odd-numbered years.

Thanksgiving. Father shall have care of the minor children during the Thanksgiving holiday in even-numbered years. Father shall receive the minor children no later than 6:00 p.m. on Wednesday and return the children to Mother's care no later than 6:00 p.m. on Sunday.

Winter Break. Father shall have care of the minor children during Winter Break in odd-numbered years.

Father shall pay for the minor children's travel costs to Arizona. Mother shall pay for the minor children's travel costs to return to Wyoming.

On days when a parent does not have parenting time with the minor children, the non-access parent shall have the right to contact the minor child by telephone. Mother and Father shall not speak to one another during these telephone calls. Each parent shall ensure that when the other parent, the phone number remains unblocked. Each parent shall ensure that he/she has caller identification on his/her phone. If a parent sees that the other parent is calling, they are to hand the telephone to a minor child to answer. Telephonic contact shall be initiated at a time convenient to both parents—between 6:00 p.m. and 7:00 p.m. The parent that has care of the minor children shall insist that the minor children receive the telephone call, except in extraordinary circumstances. If the minor children are not available and a message is left requesting a return call, the return call shall be placed within twenty-four (24) hours. The minor children shall be given sufficient privacy to receive and carry out the telephone call, such that a parent shall not overhear their conversation. In the event that a parent is traveling out-of-state with the minor children, the non-access parent shall have the authority to call the minor children once every three (3) days.

IT IS ORDERED that in the event the parties are unable to agree in the future regarding fundamental decisions or parenting time for the minor children, they shall participate in mediation through Conciliation Services or in private or community-based mediation or counseling prior to seeking further Court intervention.

**FATHER'S REQUEST TO ENFORCE PROPERTY
PROVISION OF DECREE OF DISSOLUTION**

Based upon the evidence presented at the hearing,

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IT IS ORDERED that Mother shall provide Father with an electronic copy of the family photographs in her possession by September 1, 2012.

IT IS FURTHER ORDERED that the parties shall equally divide the cost of reproducing the aforementioned family photographs.

IT IS FURTHER ORDERED denying Father's remaining requests for enforcement of the decree of dissolution as it pertains to the parties' property. Father failed to provide the Court with credible evidence to substantiate his claims.

ATTORNEY FEES AND COSTS

An award of attorney fees is controlled by A.R.S. § 25-324. After considering Mother's request and the evidence presented for attorney fees pursuant to this statute,

IT IS ORDERED denying Mother's request for attorney fees and costs.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

DATED the 20th day of June, 2012.

/S/ HONORABLE JAMES P. BEENE

JAMES P. BEENE
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.